IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

JUDGMENT

SB CIVIL MISC. APPEAL NO.49/2006
Sharif V/s Karan Singh & Ors.

Date of Order : : **September 5, 2006**

PRESENT
HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Vinay Mathur, for the appellant.
Mr.Virendra Agarwal, for the respondent No.3.

This is an appeal for enhancement of compensation against the Award dated 2.9.2005 in MAC case No.593/2005 passed by MACT cum Additional District Judge (Fast Track) No.8, Jaipur City, Jaipur as well as condition imposed by the Tribunal that owner of the vehicle should furnish security prior to disbursement of the amount to the claimant.

2. The claimant appellant sustained injuries in a motor accident which occurred on 6.6.2002. Since only point pressed by the counsel for the claimant appellant is with regard to obtaining security from the owner of the vehicle prior to disbursement of Award amount, therefore, other facts are not necessary.

3. The submission of counsel for the appellant is that obtaining security from the owner of the vehicle by the Claims Tribunal prior to disbursement of the amount to the claimant is against the

provisions of Section 147 & 149 of the Motor Vehicle Act and the aims and object of the social and beneficial legislation relating to compensation.

4. The said condition incorporated in the award with regard to release of the awarded compensation has been declared illegal by this Court and the said condition has been set aside in identical cases vide judgment dated 22.8.2006 in Civil Misc. Appeal No.356/2005 – Kumari Nargis V/s Karan Singh & Ors. and other 11 connected appeals. The operative portion of the said judgment is as follows:-

> "Consequently, these appeals are partly allowed and condition incorporated in impugned Awards with regard to release of the Awarded Compensation by the insurer to claimants, only on furnishing security by owner of offending vehicle for entire Awarded amount of compensation, is hereby quashed & set aside and to this extent, Awards under challenge in these appeals accordingly stand modified and the Tribunal is directed to disburse amount of compensation to the concerned claimants immediately. No order as to costs."

5. The counsel for the respondent No.3 i.e. Insurance Company also does not dispute the decision on the identical issues in the aforesaid 12 appeals.

6. I have gone through the impugned Award dated 2.9.2005 and further considered the submissions of the parties and the aforesaid

judgment dated 22.8.2006 of this Court.

7. In view of above, the only submission made by the counsel for the appellant is covered by the aforesaid decision. Consequently, the appeal is party allowed and the condition imposed in the impugned Award dated 2.9.2005 to release the awarded compensation by the Insurer to the claimant only on furnishing security by the owner of the offending vehicle for entire awarded amount of compensation is quashed and set aside. The impugned Award dated 2.9.2005 stands modified and the Claims Tribunal is directed to disburse the amount of compensation to the concerned claimant immediately. No order as to costs.

(P.S. ASOPA) J.

ummed/-